

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 12, 2004 (Cont'd)**

CIVIL	REY PIEDRA, a Minor, etc.	Certified for publication
No.	v.	
G032653	J.M. DUGAN	

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: O'Leary, Acting P.J.
Moore, J.

CIVIL	ORANGE COUNTY SOCIAL	Not for publication
No.	SERVICES AGENCY	
G033723	v.	
	BELINDA Z.	

Opinion filed. Orders affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G033521 NESTOR R. NORIEGA

Merits. Cause called. Carol E. Lavacot, Deputy Public Defender argued for appellant. Scott G. Scoville, Deputy District Attorney argued for respondent. Cause submitted.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033987 v.
 CHRIS S.

Merits. Cause called. Craig E. Arthur argued for appellant Chris S. Karen Dodd argued for appellant Olga L. Paula A. Whaley, Deputy County Counsel argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033743 JOHNNY R. FULLER

Merits. Cause called. Jean Ballantine argued for appellant. Daniel Rogers, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033260 WENESLAO C. DIAZ

Merits. Cause called. Cynthia Sorman argued for appellant. Christopher Beesley, certified law student argued for respondent. Daniel Rogers, Deputy Attorney General present as the supervising attorney. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004 (Cont'd)**

CRIM	THE PEOPLE
No.	v.
G033583	VINH Q. VU

Merits. Cause called. Kevin D. Sheehy argued for appellant. Robert Foster, Supervising Deputy Attorney General argued for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G032014	FRANCISCO J. MALDONADO

Merits. Cause called. Fay Arfa argued for appellant. Lynn McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G034105 v.
 MARLENE G.

Merits. Cause called. Roni Keller argued for appellant. Lori D. Barcelona argued for respondent. Cause submitted.

CIVIL PACIFIC COMMUNITY MORTGAGE INC.
No. v.
G033587 JAMES BENNETT

Merits. Cause called. Appellant James Bennett argued on his own behalf. Michael T. Aprahamian argued for respondent. Matter argued together with G033921. Cause submitted.

CIVIL PACIFIC COMMUNITY MORTGAGE INC.
No. v.
G033921 JAMES BENNETT

Merits. Cause called. Appellant James Bennett argued on his own behalf. Michael T. Aprahamian argued for respondent. Matter argued together with G033587. Cause submitted.

CIVIL BRYAN WAGNER
No. v.
G031641 ORANGE COUNTY SUPERIOR COURT;
 THE PEOPLE

Merits. Cause called. Steven H. Hertz argued for petitioner. Brenda L. McCormick argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004 (Cont'd)**

CIVIL LAGUNA BEACH COUNTY WATER DISTRICT
No. v.
G034238 ORANGE COUNTY SUPERIOR COURT;
 VIOLET WOODHOUSE

Merits. Cause called. Mitchell C. Tilner argued for appellant. Marjorie G. Fuller argued for respondent. Cause submitted.

CIVIL WESELOH FAMILY LIMITED PARTNERSHIP
No. v.
G032874 OWEN ENGINEERING GROUP

Merits. Cause called. Jack W. Fleming argued for appellants Weseloh Family LTD Partnership et al. Mark G. Harris argued for appellant K.L. Wessel Construction Co. David L. Brandon argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031354 MELVYN CARPENTER

Not for publication

Order modifying opinion and denying rehearing; no change in judgment.

Rylaarsdam, J.

We concur: Sills, P.J.
 O'Leary, J.

CIVIL JOSHUA L. FREY et al.
No. v.
G031928 TRANS UNION CORPORATION

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated to invite the parties to file letter briefs, according to the briefing schedule below, addressing the following issues:

1. Should recently passed California Proposition 64, amending Business and Professions Code sections 17203, 17204, 17206, 17535, and 17536, be applied retroactively in this case?
2. If Proposition 64 should be applied retroactively, what is its impact, if any, on appellants' unfair competition claims?
3. If Proposition 64 is applied retroactively and appellants' unfair competition claims are thereby barred, what is its impact, if any, on appellants' unjust enrichment claim?

Appellants shall file a letter brief addressing these issues by December 13, 2004. Respondent shall file a responsive letter brief by January 12, 2005. Appellants may file a reply by February 14, 2005. The matter will be resubmitted on February 14, 2005.

Bedsworth, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 15, 2004 (Cont'd)**

CIVIL No. G032039	JASON EVANS v. ARENA FOOTBALL LEAGUE, INC., et al.	Not for publication
	Opinion filed. Judgment reversed and remanded.	
	We concur: Rylaarsdam, Acting P.J. Ikola, J.	Bedsworth, J.
CIVIL No. G032591	GIGI GOLDFLAM v. ANA ALVAREZ et al.	Not for publication
	Opinion filed. Motion denied. Appeal dismissed.	
	We concur: Bedsworth, Acting P.J. Aronson, J.	Ikola, J.
CIVIL No. G033136	WILSHIRE INSURANCE COMPANY, INC. v. SENTRY SELECT INSURANCE COMPANY et al.	Certified for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, Acting P.J. Aronson, J.	Ikola, J.
CIVIL No. G034594	SWITCHBOARD INC. v. WEBCASTINGTV, INC.	
	Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and relief from default is granted. The order of dismissal is vacated and the appeal is reinstated.	
		Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL DORCAS M. EAVES
No. v.
G032493 REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.

Merits. Cause called. Karen L. Taillon argued for appellant. Connie S. Lundgren argued for respondents. Cause submitted.

CIVIL ALAN R. SPORN
No. v.
G033775 HOME DEPOT USA, INC.

Merits. Cause called. Kevin M. Fong argued for appellant. Steven R. Young argued for respondent. Cause submitted.

CIVIL INDUSTRIAL M. EAVES
No. v.
G032411 HAROLD D. DUNCAN

Merits. Cause called. W. G. Wells argued for appellant. Gary M. Gitlin argued for respondents. Cause submitted.

CIVIL EMERALD BAY COMMUNITY ASSOCIATION
No. v.
G032597 GOLDEN EAGLE INSURANCE

Merits. Cause called. Richard A. Derevan argued for appellant. Richard P. Edwards argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004 (Cont'd)**

CIVIL LUSK CONSTRUCTION COMPANY et al.
No. v.
G033077 GALAXIE PLASTERING INC.

Merits. Cause called. Stephen M. Caine argued for appellants. Kyle D. Kring argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., O'Leary, J., Moore, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CIVIL CONSUMER JUSTICE CENTER et al.
No. v.
G032875 TRIMEDICA INTERNATIONAL INC. et al.

Merits. Cause called. Carlos F. Negrete argued for appellants. Mark A. Boling argued for respondents. Cause submitted.

CIVIL PARK VILLAGE PARTNERS LTD
No. v.
G032997 CARROLL S. DAWSON, Trustee

Merits. Cause called. David T. Harter argued for appellant. Phillip K. Fife argued for respondent. Cause submitted.

CIVIL JOSHUA VITTERS et al.
No. v.
G033015 PACIFICARE OF CALIFORNIA et al.

Merits. Cause called. Jeffrey I. Ehrlich argued for appellants. Timothy T. Coates argued for respondents. Cause submitted.

CIVIL ALFRED SKISTIMAS
No. v.
G032915 OLD WORLD OWNERS ASSOCIATION et al.

Merits. Cause called. Alexandria C. Phillips argued for appellant and cross-respondent. C. Mark Hopkins argued for respondents and cross-appellants. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004 (Cont'd)**

CIVIL ANDREW HIGGINS
No. v.
G033115 ROBERT L. BROOKS et al.

Merits. Cause called. Robert E. Gentino argued for appellant. Karin D. Vogel argued for respondents Aaron Malo, Justine Casey, and Sheppard Mullin Richter & Hampton. Daniel J. Stanley present and submitted on his brief for respondents Robert L. Brooks and Animal Critical Care Center Inc. Cause submitted.

CIVIL THE PROVIDENT BANK
No. v.
G032517 JACK D. SCOTT, as Trustee

Merits. Cause called. Michael D. Stein argued for appellant. Jack D. Scott argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004 (Cont'd)**

CIVIL No. G032649	MICHAEL OSOGWIN v. TRICON GLOBAL RESTAURANTS INC., et al.	Not for publication
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Opinion filed. Judgment affirmed in part; reversed in part.
Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
Aronson, J.

CIVIL No. G033618	JOHN S. WILLIAMS, as Public Guardian, etc. v. MARTHA R.	Not for publication
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Opinion filed. Judgment affirmed.
Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

CIVIL No. G033716	ORANGE COUNTY SOCIAL SERVICES AGENCY v. HEATHER G.	Not for publication
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Opinion filed. Judgment affirmed.
Aronson, J.

We concur: Sills, P.J.
Rylaarsdam, J.

CRIM No. G033871	THE PEOPLE v. BRIAN KEITH CRABTREE	Not for publication
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Opinion filed. Judgment affirmed.
O'Leary, J.

We concur: Sills, P.J.
Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2004 (Cont'd)**

CIVIL
No.
G034400

JOY L.
v.
THE SUPERIOR COURT OF ORANGE COUNTY;
ORANGE COUNTY SOCIAL SERVICES AGENCY

Not for publication

Opinion filed. Petition denied.

Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Aronson, J., Fybel, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL ORANGE COUNTY SOCIAL SERVICES AGENCY
No. v.
G034190 JENNIFER V.

Merits. Cause called. Richard Pfeiffer argued for appellant. Ward Brady, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL JOHN P. O'MEARA
No. v.
G031856 CITY OF HUNTINGTON BEACH

Merits. Cause called. James M. Tillipman argued for appellant. Scott F. Field argued for respondent. Cause submitted.

CIVIL JERRY SHULMAN
No. v.
G033418 PAUL S. MURRAY

Merits. Cause called. Richard V. McMillan argued for appellant. Ariel J. Sabban argued for respondent. Cause submitted.

CIVIL ROYALTY CARPET MILLS INC.
No. v.
G033763 CITY OF IRVINE et al.

Merits. Cause called. Daniel V. Hyde argued for appellant. Todd Litfan argued for respondent City of Irvine. Jack Shi-Jei Yeh argued for real party in interest. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004 (Cont'd)**

CIVIL THOMAS H. CASEY
No. v.
G033023 U.S. BANK NATIONAL ASSOCIATION et al.

Merits. Cause called. Ronald Russ argued for appellant. Mary S. Thomas argued for respondent City National Bank. Donald R. Brown argued for respondent U.S. Bank National Association. Andrew J. Guilford argued for respondent Wells Fargo Bank National Association. Cause submitted.

CIVIL PETER A. VAN DINTER
No. v.
G034207 ORANGE COUNTY SUPERIOR COURT;
 CITY OF FOUNTAIN VALLEY

Merits. Cause called. Donald E. Landis, Deputy Public Defender argued for petitioner. Colin R. Bruns argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Aronson, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL GUY WARDAY
No. v.
G033215 DANIELLE WARDAY

Merits. Cause called. Brian G. Saylin argued for appellant. Gerold G. Williams argued for respondent. Cause submitted.

CIVIL DANIEL R. WOLSKI
No. v.
G033169 FREMONT INVESTMENT & LOAN et al.

Merits. Cause called. Jeffrey Wilens argued for appellant. Wayne W. Call argued for respondent. Cause submitted.

CIVIL BRADLEY S. TARANTO
No. v.
G033813 WHITTIER COLLEGE

Merits. Cause called. Appellant Bradley S. Taranto argued in propria persona. Bethany A. Pelliconi argued for respondent. Cause submitted.

CIVIL HUNTINGTON BEACH POLICE OFFICERS' PROTECTION
No. v.
G032826 CITY OF HUNTINGTON BEACH

Merits. Cause called. Eugene D. Senf argued for appellant. Steven M. Berliner argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004 (Cont'd)**

CIVIL ELLEN B. et al.
No. v.
G033893 ORANGE COUNTY SOCIAL SERVICES AGENCY

Merits. Cause called. John L. Dodd argued for appellant David B. Leslie Barry argued for appellant Ellen B. Ward Brady, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL HARVEY BOELTS
No. v.
G033549 CITY OF LAKE FOREST

Merits. Cause called. Kathryn Reimann argued for appellant and cross-respondent. Michael H. Leifer argued for respondent and cross-appellant. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032720	SUSAN LEONARD	

Opinion filed. Judgment affirmed in part, reversed and modified in part, and remanded for resentencing with directions.

Ikola, J.

We concur: Bedsworth, Acting P.J.
Aronson, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032827	SCOTT KELLY WHAM	

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Sills, P.J.
Rylaarsdam, J.

CRIM	THE PEOPLE	
No.	v.	
G033255	JOSEPH NAVETTA	

Order filed. The petition for rehearing is denied.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
O'Leary, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033444	BRIAN LEE COURTIS	

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Sills, P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2004 (Cont'd)**

CIVIL	WE DO GRAPHICS, INC.	Certified for publication
No.	v.	
G033636	MERCURY CASUALTY COMPANY	

Order granting request for publication; no change in judgment.
Moore, J.

We concur: O'Leary, Acting P.J.
Fybel, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033702	SOMPHAN DON KHAM	

Order modifying opinion; no change in judgment.
Aronson, J.

We concur: Bedsworth, Acting P.J.
O'Leary, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033930	RICHARD C.	

Opinion filed. Judgment affirmed.
Moore, J.

We concur: Sills, P.J.
Rylaarsdam, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and O'Leary, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G033353 JOHN FARAGALLI

Merits. Cause called. Richard L. Schwartzberg argued for appellant. Elizabeth Voorhies, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033550 JULIO D.

Merits. Cause called. Stephen S. Buckley argued for appellant. Angela Borzachillo, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031266 JASON ABHYANKAR

Merits. Cause called. William J. Kopeny argued for appellant. Lynn McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

CIVIL SHARON R. MITCHELL
No. v.
G032200 MAURICE A. ENDERLE
G033266

Merits. Cause called. Lance G. Green argued for appellant and respondent Sharon R. Mitchell. John W. Powell argued for respondent and appellant Maurice A. Enderle. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004 (Cont'd)**

CIVIL WALTER H. ROOT
No. v.
G033818 AMERICAN EQUITY SPECIALTY INSURANCE CO.

Merits. Cause called. Appellant Walter H. Root argued on his own behalf. John F. Morning argued for respondent. Appellant and respondent to file supplemental letter briefs by 4:00 p.m. on December 17, 2004. Cause to be submitted on December 17, 2004.

CIVIL SOUTH COAST CAB CO., INC. et al.
No. v.
G031608 CITY OF ANAHEIM et al.
G034127

Merits. Cause called. Maryann Cazzell argued for appellants. Moses W. Johnson, Deputy City Attorney argued for respondent City of Anaheim. George R. Phillips argued for respondent Yellow Cab of North Orange County. Jeffrey L. Farano present and submitted on his brief. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., O'Leary, J., Moore, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G032219 JOSEPH CARMI

Merits. Cause called. Harvey L. Goldhammer argued for appellant. Stacy Tyler, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033164 YONG C. CHANG et al.

Merits. Cause called. Carlos F. Negrete argued for appellants. Robert Foster, Supervising Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033383 CHARLES D. STODDART

Merits. Cause called. Eric R. Larson argued for appellant. Robert Foster, Supervising Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032794 GABRIEL RODRIGUEZ

Merits. Cause called. Paul R. Ward argued for appellant. Michael Murphy, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031916 ADRIANA VASCO

Merits. Cause called. Mark A. Hart argued for appellant. Lynn McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004 (Cont'd)**

CIVIL	STEFANIE R.
No.	v.
G034439	ORANGE COUNTY SUPERIOR COURT; ORANGE COUNTY SOCIAL SERVICES AGENCY

Merits. Cause called. Paul De Quattro, Deputy Public Defender argued for petitioner. Ward Brady, Deputy County Counsel argued for real party in interest Orange County Social Services Agency. Jess A. Hite present for the minor and submitted on the brief. Real party in interest Social Services Agency to file a supplemental letter brief on November 23, 2004. Petitioner may file a reply by November 29, 2004. Cause to be submitted on November 29, 2004.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004 (Cont'd)**

CIVIL	KEVIN ORTON et al.	Not for publication
No.	v.	
G032862	VIRTUAL FONLINK, INC.	

Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Bedsworth, J.

CIVIL	RAQUEL LOPEZ	Not for publication
No.	v.	
G033123	CITY OF FULLERTON	

Opinion filed. Judgment reversed, postjudgment order affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CIVIL	KEVIN M. ENSLEN	
No.	v.	
G033186	ROBERT KENNEDY et al.	

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated so the court may consider an unbriefed issue. On its own motion, the court is considering dismissing the appeal as to defendant Mark Kennedy. Because there is no record of a judgment having been entered as to this defendant, the appeal as to defendant Kennedy appears to be from a nonappealable order. Plaintiff Kevin Enslen may submit a letter brief on the issue of appealability no later than December 13, 2004. The matter will be resubmitted on December 13, 2004.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2004 (Cont'd)**

CIVIL
No.
G033337

HORST SCHRAMM et al.
v.
THE CADLE COMPANY

Not for publication

Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O'Leary, Acting P.J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL	STEPHANIE M. GASTON
No.	v.
G033302	RAYMOND RICHARD FARNELL et al.

Merits. Cause called. Julian J. Hubbard argued for appellant. Laine L. Wagenseller argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., O'Leary, J., and Moore, J. M. Urena, Deputy Clerk attending.

CIVIL LARRY GIVENS
No. v.
G033379 THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA

Merits. Cause called. Louis M. Marlin argued for appellant. William Hansult argued for respondent. Cause submitted.

CIVIL 1064127 ONTARIO INC. et al.
No. v.
G032532 TAYLOR FLETCHER

Merits. Cause called. Charles A. Swartz argued for appellants. Brian G. Saylin argued for respondent. Cause submitted.

CIVIL TAMRA L. COLGROVE
No. v.
G033371 STEVEN M. COLGROVE

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Jennifer J. King argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2004 (Cont'd)**

CRIM	THE PEOPLE	Certified for publication
No.	v.	
G031747	CHRISTOPHER JOSEPH MILLER	

Order granting request for publication.

Sills, P.J.

We concur: Rylaarsdam, J.
Moore, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032421	ZAC ORION LAWRENCE	

Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
O'Leary, J.

CIVIL	JUDITH B. WELCH	Not for publication
No.	v.	
G032741	THE FRANCHISE TAX BOARD	

Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032895	STEPHANIE T.	

Opinion filed. Judgment affirmed in part and remanded.

Rylaarsdam, J.

We concur: Sills, P.J.
Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2004 (Cont'd)**

CRIM No. G032918	THE PEOPLE v. DAVAO NAHAKIE JACKSON	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Bedsworth, J.	Rylaarsdam, J.
CIVIL No. G033133	MARY ANN HEAPS v. WILLIAM RUSSELL HEAPS, et al.	Certified for publication
	Opinion filed. Judgment affirmed.	
	We concur: Aronson, J. Ikola, J.	Sills, P.J.
CRIM No. G033182	THE PEOPLE v. JOHNNY ESPANA	Not for publication
	Opinion filed. Judgment affirmed as modified and remanded.	
	We concur: Bedsworth, J. Ikola, J.	Rylaarsdam, Acting P.J.
CRIM No. G033613	THE PEOPLE v. MILTON HUERTA CORTEZ	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: O'Leary, J. Aronson, J.	Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2004 (Cont'd)**

CIVIL
No.
G033774

FRANK CIOTTI, et al.
v.
MARY ANN HEAPS

Not for publication

Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: Aronson, J.
Ikola, J.